THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 14053 of 2004

Dated: 23-11-2005

Between:

M/s Hanuman Rice Traders, rep. By its

Proprietor I.L.Narasimharao, Buchireddipalem

Nellore District.

..... PETITIONER

AND

The Joint Collector, Civil Supplies Wing,

Nellore and two others.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 14053 of 2004

O R D E R:

This writ petition is filed questioning the proceedings initiated by the first respondent under Section 6-A of Essential Commodities Act, (for short ' the Act').

The grievance of the petitioner is that since the stock seized from the rice mill of the petitioner was alleged to have been SGRY rice issued from MLS point Buchi, the respondents are not justified in initiating the confiscation proceedings under the Act.

Pending this writ petition, this Court directed release of the seized stock on furnishing Bank guarantee to the value of the seized stock.

When the matter is taken up for consideration, the learned Government Pleader states that the petitioner has participated in the enquiry and filed his explanation in response to the show cause notice and in pursuance thereof the first respondent has already completed the enquiry and passed an order of confiscation on
05-11-2005.

The learned counsel for the petitioner does not dispute the same. In the circumstances and keeping in view that the first respondent has already passed an order of confiscation, without expressing any opinion on merits, I deem it appropriate to dispose of the writ petition granting leave and liberty to the petitioner to work out the appropriate remedy as available under law against the order of confiscation. It is open to the petitioner to raise all the grounds as available under law including that initiation of the proceedings under the Act itself is impermissible.

Writ petition is accordingly disposed of. No costs.

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G.ROHINI,J

23-11-2005

klp